

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE L. YOUNGBLOOD,

Plaintiff,

No. CIV S-05-0727 LKK DAD P

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On May 30, 2006, plaintiff filed a request for an extension of time to file his notice of appeal. While the assigned district judge has issued an order denying plaintiff's motion to reconsider the undersigned's order filed March 6, 2006, the findings and recommendations recommending that plaintiff's complaint be dismissed without prejudice have neither been adopted nor rejected by the district judge at this time. Accordingly, plaintiff's request for an extension of time to file a notice of appeal will be denied as premature since judgment has not yet been entered. Plaintiff is advised that his notice of appeal must be filed within thirty days after judgment is entered. A motion for extension of time must be made no later than thirty days after the deadline expires and there must be a showing of excusable neglect or good cause. Also, no extension "may exceed 30 days after the prescribed time or 10 days after the date when the

1 order granting the motion [for an extension] is entered, whichever is later.” Fed. R. App. P.
2 4(a)(5)(A)(ii).

3 Accordingly, IT IS HEREBY ORDERED that plaintiff’s May 30, 2006 request for
4 an extension of time to file his notice of appeal is denied without prejudice.

5 DATED: June 2, 2006.

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8 DALE A. DROZD
9 UNITED STATES MAGISTRATE JUDGE

9 DAD:4
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